

Dowry and Inheritance, Gender and Empowerment in the ‘Notarial Societies’ of the Early Modern Greek World

by

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This communication is something of a paradox. The project I am going to discuss here concerns an issue I have been working on for years, but on the other hand it is very much work in progress –and for technical reasons the progress is unfortunately much less advanced than I thought it would be when I first planned my contribution.

First of all, the map illustrates what I mean by the term ‘notarial societies’ –mostly the world of the Greek islands – both along the western coast (Ionian islands) and the central Aegean (Cyclades and others), as well as in the south (Crete). The fall of Constantinople (1453) confirmed the Ottoman dominance on the major part of the former Byzantine Empire.¹ However, some islands remained in Venetian hands or under various Latin lords affiliated with Venice (Khios with Genoa): major examples are Crete (until 1669), the Cyclades (to 1566) and the Ionian islands (to 1797). During the 17th century the Venetian presence was still strongly felt in the region. But the local population was – and remained – predominantly Greek in language and Greek Orthodox in religion. Those societies preserved the notarial tradition throughout the period and part of the vast amount of notarial acts has survived, throwing light on aspects of the social life about which there is very little evidence for the ‘non notarial’ parts of the region.

Thus, the term ‘notarial societies’ designate those parts of the post Byzantine Greek world that preserved the medieval notarial tradition up to modern times. The extant notarial documents, therefore, outline the realities of populations, which in their majority shared a common language, religious creed and cultural (Byzantine) heritage.² At the same time these were societies with differing physical characteristics, varying historical experiences, and different political and administrative framework, which moreover were subjected to variable cultural influences. All these factors are reflected in the significant regional variations that can be observed: take the example of the types of law regulating notarial practice, which offer a vital key for the interpretation of the information gleaned from the documents. At any given place the prevalent legal system might be any mixture of disparate elements: the Venetian

¹ For an updated concise history of the period of Latin rule in the region, see Peter Lock, *The Franks in the Aegean 1204-1500*, London and New York, Longman, 1995.

² While earlier documents were drawn mostly in Latin, from the 16th century onwards the common language employed was Greek and sometimes Italian.

law, in territories held by Venice; the customary law, which regulated most legal relations in regions like the Cyclades; and other influences, such as the feudal Frankish code used by the Latin rulers of formerly Byzantine lands; also, the canon law (which was in effect a continuation of Byzantine legal theory and practice) or the Islamic law, in places where Muslims had settled in large numbers.³

The focus of my research has been the islands of the central Aegean Sea – the Cyclades. My interest was aroused during the many years I spent researching the economic and social history of Naxos – the largest of them – concentrating on the 17th century. My main source of information was some 3000 notarial acts – mostly unpublished at the time. The majority of these deeds deal one way or another with property matters and thus offers many insights on how property was passed down from one generation to the next.

A review of the evidence about the Cycladic system of dowry and inheritance in the early modern period should start from the general truth that, while customary law was the regulator of the transmission of property from one generation to the next, the structure of the family was the result of such customary parameters as the timing of transmission, the type of property devolved, who were the givers, the recipients and managers of the property, or which was its ultimate function. Gendering all these parameters is the first step to any interpretation.

A basic premise is that marriage was an almost universal stage in people's lives and that it marked the time in which the bulk of family property was transferred to the younger generation in the form of dowry. The latter was given to all children, irrespective of seniority or sex. In most cases the property was not handed over absolutely, as the parents tried to balance the strong customary obligation to secure the best possible deal for each of their children against their own need for a comfortable old age; this they were careful to secure by adopting various customary strategies, such as giving away dowry property subject to provisions of co-ownership or stipulating a life interest, or even that part of the patrimony should be retained by the older folk, and distributed to younger siblings at a later date or bequeathed by will at the giver's discretion.

In such a system of bilateral descent the kinship group of each individual consisted of all maternal and paternal relatives that had mutual rights of inheritance. All this refers specifically to *family* property, because property not inherited but acquired by individuals through their own efforts was not subjected to the same constricting customary norms. By custom, therefore, and explicitly stated to be so in marriage contract after marriage contract, dowry

³ A discussion of law and custom regulating notarial practice in Aglaia E. Kasdagli, *Land and Marriage Settlements in the Aegean: A Case Study of Seventeenth-Century Naxos*, Venice, Hellenic Institute of Byzantine and Post-Byzantine Studies, chapter 4.

property was given to the young couple to be enjoyed jointly by them and the children, ‘legitimate and of their own body’ that they were going to produce together. In the terms of the documents, ‘if it chance –God forbid – that they die without issue’, then the overriding principle was that the property would revert to the next-of-kin of the dowry giver.

The fund established at marriage was family property in the sense that all members of the nuclear family were entitled first to a share for maintenance (as long as they remained in the household) and for providing the means to set up in life, and secondly to a portion in the event of division. The husband managed all patrimony while he was alive, but he was not meant to dispose of it at will. The preservation of all patrimony in general and dowry property in particular was the overriding principle of the entire system: the family property was kept in trust for the future generations, while the dowry had the additional function of offering financial protection to the woman. The custom that in the event of childlessness the dowry property reverted to the givers meant that each partner remained throughout alien to the other’s lineage as far as the patrimony was concerned: the two united only in the new vertical line they might jointly create. By contrast, the two spouses owned jointly all property acquired after the marriage.

Concerning the custom of men and women being similarly endowed at marriage, legal experts have long maintained that there is no such a thing as ‘male dowry’, and that in legal terms the ‘dowry’ of males was actually pre-mortem inheritance. Notwithstanding the legal arguments, however, in the Cyclades (and other places following a similar pattern) the term dowry and its derivatives were applied to the portion that both women and men received at marriage. Broadly speaking the two had similar function (to establish a common fund for the new family to use), content (house, land, movable property, livestock and cash) and implications (the establishment of a neolocal conjugal unit).

This system immediately strikes anybody familiar with modern Greek society up to the mid-20th century as highly untypical. One reason for this is that the system of settling dowries on women upon marriage remained a well-established and ultimately maligned practice that was abolished only by the new civil code of 1982. As the inflation of dowries grew with increasing monetization of the economy they became with good reason associated with mercenary men and oppressed women but social patterns change over time and historians should be careful to examine institutions not as products of an undifferentiated ‘traditional’ past but as phenomena belonging to the specific social and economic conditions of any particular time.

The theme of dowry and inheritance was of absorbing interest to me and I pursued it with reference to other places, starting with the neighboring islands. We have evidence of bilateral dowries from about a dozen of Cycladic islands, and it is worth stressing that, unusual as it might appear, this system of transmitting all types of assets at marriage to heirs of both sexes was prevalent not only in the Cyclades, but also in some other Greek communities further a field.

Most direct evidence about the role of gender in determining who received what and what rights she or he had over property nominally assigned to them comes from marriage contracts, and this led me to the next step of my investigation, that of examining closely regional variations in early modern Greece. Unfortunately, comparative investigations are not an easy proposition, because they require collaboration, and to my experience historians tend to work in isolation, while the perennially limited funds do not favor large projects. As a way out, I started from the premise that nowadays increasingly more archives are becoming accessible and several bodies of notarial registers have been or are about to be published, while more and more people are working on unpublished records. It seemed to me therefore that it was high time for a systematic effort to be made, designed to tame and make usable the wealth at least all information in print available.

In this context, I opted for a small-scale pilot research project which would be realized in a relatively short time and which should by now have produced some quantitative results (but, as I said, this is still in the future). The project, which is under the auspices of the Institute for Mediterranean Studies in Crete is entitled 'Greek marriage contracts, 1500-1830: A contribution to the study of systems of the transmission of property between generations and the structure of the Greek family'.⁴ A database has been constructed and is being fed with data drawn from published marriage contracts, wherever in the Greek world they may be found. Material collected by students was added to my own collection, while a computer specialist provided the technical expertise. I should add that the database is in English and will soon be accessible through the Internet. As its object concerns social, economic and cultural history, it will be of interest to scholars of different disciplines and will provide a valuable point of reference to people interested in other types of information (linguistic, legal, sociological etc.)

About two thousand documents have been collected up to now. The geographical area that has yielded most was Crete,⁵ followed by Naxos, Khios and the Ionian islands collec-

⁴ Additional funding was provided by the Kostopoulos Foundation (Alpha Bank). Further details on the project and its development may be found at the Institute's website: www.ims.forth.gr

⁵ Crete offers a prime example of the wealth of material that has already been collected in connection with the project. The number of the Cretan unpublished notarial documents by far surpass that of any other part of the region at the same period and only a fraction has been published to date, but even so they make a sizeable

tively. It is a pity that there are hardly any surviving early documents from mainland Greece, with the exception of Athens, but given the paucity of local written documents of the early modern period from these areas, every little bit helps. Also, the fragmentary character of sources from other places does not necessarily indicate that they followed a different system, but it does mean that there is no proof either way.

As I said, the absence of assets given to males on marriage is not as absolute as commonly believed, and dowry actually represented a woman's inheritance portion, and was seen as such. However, although normally women were not totally excluded from receiving land, it is clear that in most cases and, in contrast to what happened to the Cyclades, land was primarily reserved for the male members of the family. In Crete, for example, on the evidence of a notarial register of the 16th century, about 40% of men received their share of the family property when they married. However, it appears that the groom's contribution to the new household was quite distinct from the female dowry, and certain small but significant details suggest a lower evaluation of women than that witnessed in the Cyclades. For one thing, dowry property was assigned not to the couple jointly as in the Cyclades but usually to the man only. The man's assets were usually described in broad terms – e.g. 'a quarter of the patrimony' – and were not estimated in cash terms. More importantly, men's endowment was mostly in land, whereas a large part of a woman's dowry consisted of movables: clothing, linen, household items, and very often cash. Sometimes the dowry-giving parent burdened the son's share of the patrimony with the obligation to provide a dowry for his sister or sisters. However, cases of brothers subsequently endowing their sisters show that such dowries consisted mostly of cash or other goods, but not family land. In other words, it is obvious that in Crete the bulk of family land was reserved for the sons and this means that a husband might very well ignore his wife's wishes relating to the disposition of family property. By contrast, in the Cyclades men might at times get away with abusing their women, but the latter had specific rights and are often seen to assert them.⁶

We would need to study the evidence more closely and examine all activities by females if we are to document answers to questions such as: how far did property rights give real power to the women of the Cyclades, as compared to women who had few legal rights. Or how far can legal rights transcend ideological constraints –that is, the belief in the inferiority of women which was common everywhere, developed through the centuries and

sample of over four hundred acts for the period 1500-1669. Subsequent evidence from Ottoman Crete can be collected from the registers of the kadi's court.

⁶ Aglaia Kasdagli, 'Gender Differentiation and Social Practice: The Case of Seventeenth-Century Naxos', in *The Byzantine Tradition After the Fall of Constantinople*, ed. J.J. Yiannias, Charlottesville and London 1991, University of Virginia Press, 61-94, esp. pp. 73-74.

encouraged by tradition as well as by the church. And, more importantly, if a tentative conclusion on the basis of these documents is that the way that the Cycladic system evolved and was articulated appears to have been exceptional rather than typical, how can the reasons for this individuality be determined? On present knowledge an answer to this is impossible. For instance, the fact that the Cyclades were in fact an open, mobile and multicultural society, is neither here nor there because these characteristics were shared with islands that had quite different dowry and inheritance systems. Also, if the form of the system prevalent, say, in the Ionian islands was determined under the influence of the Venetian law, how come and it is so different from the equally Venetian-dominated Cretan custom?⁷ Or, for that matter, what made marriage arrangements within the same island display significant variations? To give an example of such ‘internal’ or sub regional variation, I will mention another Cretan custom. That is, in Crete a varying part of the value of the dowry settled by the bride’s family was designated as ‘gift’ to the groom. In other words, these were goods not subjected to the dotal –protected regime: the bridegroom was free to dispose of it at will and did not have to return it if his wife died without issue. The rest of the dowry goods were described as ‘the woman’s true dowry’ and were inalienable, thus providing some protection for her. But, while about 90% of all contracts include such a ‘gift’ in the register of specific (17th-century) notary, in another one, from a different part of the island, there are only two fleeting references to the institution. Whether this was a peculiarity (owing perhaps to the relative poverty and isolation of the latter locality) or was the result of other factors at work may be tentatively established only when the database has been enriched with any available documents from all over Crete. When this happens, we may obtain some documented clues and a much clearer picture will emerge.

In general, it is hoped that the final outcome will allow some generalizations and the formulation of theoretical hypotheses on the issues of dowry, inheritance, family and gender in early modern Greece. Although social anthropologists have done quite a lot of work on dowries in modern Mediterranean societies, including Greece⁸, and their theories have greatly helped our understanding of past societies, the only volume of studies on the

⁷ A detailed discussion of a first reading of marriage contracts from Crete in Aglaia Kasdagli, ‘Gamilies paroches sti venetokratoumeni Kriti kai allou [‘Marriage prestations in Venetian Crete and elsewhere’], *Acts of the 8th International Congress of Cretan Studies*, Herakleio 2000, vol. 2, 321-32.

⁸ The books and articles by social anthropologists written in the second half of the twentieth century and dealing with aspects of dowry in different parts of Greece make a long list. For a concise overview of the relevant bibliography, see Efthymios Papataxiarchis and Socrates Petmezas, ‘The devolution of property and kinship practices in late- and post-Ottoman ethnic Greek societies’, in G. Bouchard, J. Goy and A.-L. Head-König (eds), *Problèmes de la transmission des exploitations agricoles (XVIIIe-XXe siècles)*, Rome, École Française de Rome, 1998, 217-241.

history of European dowries I can think of appeared more twenty years ago.⁹ In recent years there have been some studies that examine dowry in the Greek world of past times,¹⁰ but a more generalized historical discussion is now overdue.

In general terms, what I am hoping to find in the end is some tentative answers to such questions as: in so far as there were really discrete local systems of dowry and inheritance in early modern Greece, what exactly were these, and by what criteria can they be classified? And, most importantly, how can these be explained? Furthermore, how do women's property rights compare by region? And how far do these rights correspond to an improved status for women?

Some answers to the final question may be found in the new project that has just begun. This is a continuation of the same wider plan to attempt a recreation of aspects of the past through the exploration of notarial documents. The questions asked will revolve around geographical mobility and the transmission of knowledge in the Aegean islands during the long seventeenth century. All types of notarial acts will be used and may help us gain wider insights into gender. Although female participation in education was totally negligible or non-existent, women did move about for a variety of reasons, and it will be interesting to compare these findings with corresponding legal and property rights.

Finally, to go back to my original quest, when all findings have been collated and discussed, there will be scope for comparisons with societies geographically, chronologically and culturally apart.

⁹ Marion A. Kaplan (ed.), *The Marriage Bargain: Women and Dowries in European History*, London and New York, Harrington Park Press, 1985. This includes a discussion of the Greek case, but this focuses on the period 1946-1970's.

¹⁰ For example, see Paul Sant Cassia with Constantina Bada, *The Making of the Modern Greek Family: Marriage and Exchange in Nineteenth-Century Athens*, Cambridge and New York, The Cambridge University Press, 1992; Kasdagli, *Land and Marriage Settlements* (note 3); and Eva Kalpourzi, *Oikiakos choros kai stratigikes antallagon* [*Domestic Space and Strategies of Exchange*], Athens 2001, Ellinika Grammata



Map of modern Greece

'Notarial societies' of the Greek world: Crete, Ionian islands, Cyclades (around Naxos), Athens, Khios

Early modern period - key dates

1204-1453. In the aftermath of the Fourth Crusade a number of Latin principalities are created in former Byzantine lands.

1453. Fall of Constantinople to the Ottomans

17th century. Turco-Venetian wars in the Aegean. Fall of Crete to the Ottomans.

c1500-1797. The Ionian islands under Venetian rule

1821-1827. Greek war of independence

1829. The kingdom of Greece established

Zusammenfassung

Mitgift und Erbe, Geschlecht und Bevollmächtigung in den „notariellen Gesellschaften der frühen Modernen Griechischen Welt.

Der Ausdruck „notarielle Gesellschaften“ bezeichnet diejenigen Teile der nachbyzantinischen griechischen Welt, welche die mittelalterliche notarielle Tradition bis in die moderne Zeit bewahrten. Mit wenigen Ausnahmen bestanden diese aus Inseln, die sich unter westlicher Herrschaft- meistens venezianischer- lange Zeit hindurch befanden. Folglich umreißen notarielle Urkunden die Wirklichkeit der Bevölkerungen, die im großen Ganzen eine gemeinsame Sprache, einen gemeinsamen religiösen Glauben und ein gemeinsames (byzantinisches) Erbe haben. Gleichzeitig waren es Gesellschaften mit verschiedenen physischen Kennzeichen, geschichtlichen Erfahrungen, politischen und verwaltungsmäßigen Systemen, die wechselnden kulturellen Einflüssen ausgesetzt gewesen waren, alle diese Faktoren sind in bedeutenden regionalen Abweichungen widerspiegelt. Zum Beispiel, kann das Gesetz, das die notarielle Praxis an irgendeinem Ort jede beliebige Mischung aus grundverschiedenen Bestandteilen, so z. B. herkömmlichem, kanonischem / byzantinischem, venezianischem oder ottomanischem Gesetz sein.

Eine gründliche Untersuchung von Eheverträgen aus den Kykladen wies es nach, dass im Zusammenhang mit einer Heirat übertragenes Eigentum, die wichtigste Art und Weise war, wie man Eigentum von einer Generation auf die nächste übertrug. Es gibt Beweismaterial in Hülle und Fülle, dass sowohl Frauen als Männer „Mitgiften“ von vergleichbarem Inhalt und Größe und identischem Status erhalten haben, was in der Etablierung von neolokalen Eheeinheiten resultierte und eine Lage enthüllt, die Lichtjahre entfernt ist von dem allgemein anerkannten Wissen um den Gegenstand. Der unvermeidliche nächste Schritt eröffnete die Fragestellung danach, welche Wirkung dieses scheinbare Gleichberechtigungssystem auf die Rechte und letzten Endes die Stellung der Frauen hatte. Ein neues noch laufendes Pilotprojekt bringt eine beträchtliche Ausweitung der ursprünglichen Untersuchung mit sich, so dass sie die veröffentlichten Eheverträge aus all den notariellen Gesellschaften mit einbegreift, aus denen es dokumentarischen Nachweis im Hinblick auf die Periode 1500-1830 gibt. Eine detaillierte Datenbank ist konstruiert worden und wird mit Auskünften aus den gesammelten Urkunden (bis heute gibt es etwa zweitausend von ihnen) gespeist. Das Endziel wird es sein, die Mitgiften und Erbsysteme in jeder Region zu bewerten. Variationen, die innerhalb einer Region auftreten, und deren eventuelle Ursachen werden identifiziert werden, Veränderungen, die sich über längere Perioden strecken, werden verfolgt werden, und der Versucht wird ge-

macht werden, die Konsequenzen der verschiedenen Systeme im Hinblick auf die Geschlechterrollen zu erhellen.

Übersetzung Tom Rundqvist